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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/421,332	10/18/99	SAKAI	0557-4628-2-

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EXAMINER

PHAN, J

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/421,332	SAKAI ET AL.	
	Examiner	Art Unit	
	Phan, J.	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on 8/3/00.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

Part of Paper No. 9

Art Unit: 2872

DETAILED ACTION

The declaration filed 8/3/00 overcomes the rejections under 35 USC 251 made in paper no. 3.

The objection ^{to} of claims 5 and 12 made in paper no. 3, *is withdrawn.*

An abstract on a separate sheet filed 8/3/00 has been received.

The amendment filed 8/3/00 overcomes the rejection of claim 13 under 35 U.S.C. 112, second paragraph, made in paper no. 3.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1-7 and 10-15
Claims ~~1-15~~ are rejected under 35 U.S.C. 112, first paragraph, as containing

subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the original disclosure is there a support for the multi-beam optical scanner having met the condition $2 < \beta < 8.5$ without a coupling lens. The original disclosure requires the multi-beam optical scanner to have a coupling lens, a first image-formation system, and a second image-formation system in order to satisfy the condition. See column 3, lines 13-15 and column 6, lines 16-26.

Art Unit: 2872

1-7 and 10-15

The rejection of claims ~~1-15~~^{1-7 and 10-15} under 35 U.S.C. 112, first paragraph, made in paper no. 3 is repeated. Applicant's traversal to the rejection has been fully considered; however, it does not overcome the rejection since

(1) the original disclosure does not teach or suggest a multi-beam optical scanner having met the condition

$2 < \beta < 8.5$ without a coupling lens. The original disclosure requires that "A lateral magnification in a direction corresponding to the auxiliary scanning in a composite system of the optical system between the light source for a multi-beam and the scanned surface satisfies the following expression:

$2 < \beta \leq 8.5$ " (column 3, lines 13-15) and that "the composite system" is defined to include "the coupling lens 15, cylinder lens 25, constant-velocity optical-scanning image-forming mirror 41, lengthy toroidal lens 45 (column 6, lines 16-20); and

(2) the declaration does not positively state that the claimed invention defined in claims 1 and 13-15 would satisfy the expression without the use of a coupling lens or collimating lens.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claims 1-6 and 10-15 under 35 U.S.C. 102(a) made in paper no. 3 is repeated. Applicant's traversal to the rejection has been fully considered; however,

Art Unit: 2872.

it does not overcome the rejection since in a first scan the scanning lines on the scanned surface 64 are adjacent to each other. Also see column 5, lines 54-55.

The rejection of claims 1-6 and 10-15 under 35 U.S.C. 102(a) made in paper no.3 is repeated.

Applicant's traversal to the rejection has been fully considered; however, it does not overcome the rejection since in a first scan the scanning lines on the scanned surface 64 are adjacent to each other. Also see column 5, lines 20-21 for lines images.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The rejection of claim 7 under 35 U.S.C. 103(a) made in paper no. 3 is repeated since the rejections of claim 1 has not been overcome by applicant's amendment.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2872

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The examiner can normally be reached on Monday through Friday from 9:30 to 6:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Phan, J.
October 23, 2000


James Phan
Primary Examiner